

U.S. Application No.  
Pending

Date: January 10, 2001

International Application No.  
PCT BE99 00089

Attorney Docket No.  
VANM190.001APC

Page 1

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

**526 Rec'd PCT/PTO 10 JAN 2001**

International Application No.: PCT BE99 00089  
International Filing Date: July 9, 1999  
Priority Date Claimed: July 10, 1998  
Title of Invention: METHOD OF GENETIC MODIFICATION OF A WILD TYPE VIRAL  
SEQUENCE  
Applicant(s) for DO EO US: E. Lauber, Hubert Guilley, Ken Richards, Gerard Jonard

Applicant herewith submits to the United States Designated Elected Office (DO EO US) the following items and other information:

1. (X) This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. (X) This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
3. (X) A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
4. (X) A copy of the International Application as filed (35 USC 371(c)(2))
  - a) ( ) is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) (X) has been transmitted by the International Bureau.
  - c) ( ) is not required, as the application was filed in the United States Receiving Office (RO US).
5. (X) Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a) ( ) are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ( ) have been transmitted by the International Bureau.
  - c) ( ) have not been made; however, the time limit for making such amendments has NOT expired.
  - d) (X) have not been made and will not be made
6. (X) A FIRST preliminary amendment, includes 1-page Abstract.
7. (X) International Application as published.
  - a. (X) Publication Cover Sheet
  - b. (X) 28 pages of disclosure
  - c. (X) International Search Report
8. (X) PCT Form PCT IPEA 402.
9. (X) PCT Form PCT IB 308.
10. (X) A return prepaid postcard.
11. (X) The following fees are submitted:

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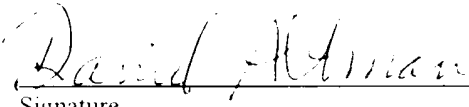
				FEES
BASIC FEE				\$860
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	26 - 20 -	6 ×	\$18	\$108
Independent Claims	1 - 3 -	0 ×	\$80	\$0
TOTAL OF ABOVE CALCULATIONS				\$968
TOTAL NATIONAL FEE				\$968

12. (X) The fee for later submission of the signed oath or declaration set forth in 37 CFR 1.492(e) will be paid upon submission of the declaration.
13. (X) A check in the amount of \$968 to cover the above fees is enclosed.
14. (X) The Commissioner is hereby authorized to charge only those additional fees which may be required, now or in the future, to avoid abandonment of the application, or credit any overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

KNOBBE, MARTENS, OLSON & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660

  
Signature

Daniel E. Altman  
Printed Name

34,115  
Registration Number

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law



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Jennifer A. Haynes, Ph.D.  
Patent Scientist

Assistant Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

**Attorney Docket No.** : VANM190.001APC

**Applicant(s)** : Lauber, E. et al.

**For** : METHOD OF GENETIC MODIFICATION OF  
A WILD TYPE VIRAL SEQUENCE

**Attorney** : Daniel E. Altman

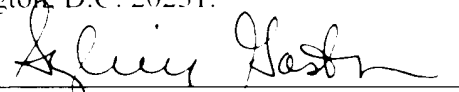
**"Express Mail"**  
**Mailing Label No.** : EL672820094US

**Date of Deposit** : January 10, 2001

I hereby certify that the accompanying

Transmittal in Duplicate; Demand; Preliminary Amendment w/1-page Abstract;  
Int'l. Appl. as Published in 28 pages; Int'l. Search Report; PCT Form 402; PCT  
Form 308; Check(s) for Filing Fee(s); Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Sylvia Gaston

FILED U.S. PAT. & TM. OFF. 2001 JAN 16 2001  
011001

San Diego  
619-235-8550

San Francisco  
415-954-4114

Los Angeles  
310-551-3450

Riverside  
909-781-9231

The demand must be filed with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with one of them. The name of the Authority or Authorities to which the demand is filed must be indicated on the application in the line below.

IPEA/



**PCT**

**DEMAND**

**CHAPTER II**

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
------------------------	---------------------------

<b>Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION</b>	Applicant's or agent's file reference P.SES.02/WO
International application No. PCT/BE99/00089	International filing date (day/month/year) 09 July 1999 (09/07/99)
	Earliest Priority date (day/month/year) 10 July 1998 (10/07/98)

Title of invention METHOD OF GENETIC MODIFICATION OF A WILD TYPE VIRAL SEQUENCE
--

<b>Box No. II APPLICANT(S)</b>	
Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.) SES EUROPE N.V./S.A. Industriepark 15 B-3300 TIENEN BELGIUM	Telephone No.:  Facsimile No.:  Teleprinter No.:

State (i.e. country) of nationality: BE	State (i.e. country) of residence: BE
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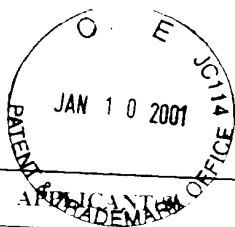
Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.) LAUBER E. Rue de Rotterdam 34 F-67000 STRASBOURG FRANCE
---

State (i.e. country) of nationality: FR	State (i.e. country) of residence: FR
--	--

Name and address: (Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.) GUILLEY Hubert rue de l'Herbe 32 F-67370 BERSTETT FRANCE
--

State (i.e. country) of nationality: FR	State (i.e. country) of residence: FR
--	--

<input checked="" type="checkbox"/> Further applicants are indicated in a continuation sheet
--



Sheet No. 2

International application No.  
PCT/BE99/00089

Continuation of Box No. II

*If none of the following sub-boxes is used, this sheet is not to be included in the demand.*

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

RICHARDS Ken  
Rue Principale 2  
F-67370 PFULGRIESHEIM  
FRANCE

State (i.e. country) of nationality:

FR

State (i.e. country) of residence:

FR

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

JONARD Gérard  
Quai de Chanoine Winterer 9  
F-67000 STRASBOURG  
FRANCE

State (i.e. country) of nationality:

FR

State (i.e. country) of residence:

FR

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State (i.e. country) of nationality:

State (i.e. country) of residence:

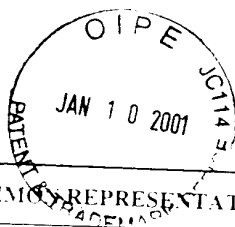
Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State (i.e. country) of nationality:

State (i.e. country) of residence:



Further applicants are indicated on another continuation sheet.



Sheet No. 3

International application No.  
PCT/BE99/00089**Box No. III AGENT OR COMMON REPRESENTATIVE: OR ADDRESS FOR CORRESPONDENCE**

The following person is ☒ agent ☐ common representative  
and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.  
☐ is hereby appointed and any earlier appointment of an agent(s) common representative is hereby revoked.  
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s) common representative appointed earlier.

Name and address: *(Family name followed by given names; for a legal entity, full official designation. The address must include postal code and name of country.)*

VAN MALDEREN Eric  
OFFICE VAN MALDEREN  
Place Reine Fabiola 6/1  
B-1083 BRUSSELS  
BELGIUM

Telephone No.:

+32 2 4263810

Facsimile No.:

+32 2 4263760

Teleprinter No.:

☐ Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No. IV STATEMENT CONCERNING AMENDMENTS**

The applicant wishes the International Preliminary Examining Authority\*

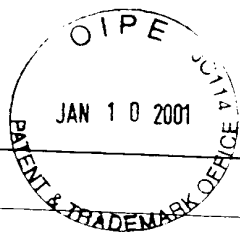
- (i) ☐ to start the international preliminary examination on the basis of the international application as originally filed.
- (ii) ☐ to take into account the amendments under Article 34 of
- ☐ the description (amendments attached).
  - ☐ the claims (amendments attached).
  - ☐ the drawings (amendments attached).
- (iii) ☐ to take into account any amendments of the claims under Article 19 filed with the International Bureau (a copy is attached).
- (iv) ☐ to disregard any amendments of the claims made under Article 19 and to consider them as reversed.
- (v) ☐ to postpone the start of the international preliminary examination until the expiration of 20 months from the priority date unless that Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

**Box No. V ELECTION OF STATES**

☒ The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT) except .....

*(If the applicant does not wish to elect certain eligible States, the name(s) or country code(s) of those States must be indicated above.)*



Sheet No. 4

International application No.  
PCT/BE99/00089

## Box No. VI CHECK LIST

The demand is accompanied by the following documents for the purposes of international preliminary examination:

- |  |   |        |
|--|---|--------|
| 1. amendments under Article 34                     |   |        |
| description  | : | sheet  |
| claims   | : | sheets |
| drawings   | : | sheets |
| 2. letter accompanying amendments under Article 34 | : | sheets |
| 3. copy of amendments under Article 19             | : | sheets |
| 4. copy of statement under Article 19              | : | sheets |
| 5. other (specify):                                | : | sheets |

For International Preliminary  
Examining Authority use only

received                      not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- |  |  |
|--|--|
| 1. <input type="checkbox"/> separate signed power of attorney      | 4. <input checked="" type="checkbox"/> fee calculation sheet |
| 2. <input type="checkbox"/> copy of general power of attorney      | 5. <input type="checkbox"/> other (specify):                 |
| 3. <input type="checkbox"/> statement explaining lack of signature |  |

## Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

VAN MALDEREN Eric

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due  
to CORRECTIONS under Rule 60.1(b):3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months  
from the priority date and item 4 or 5, below, does not apply.☐ The applicant has been  
informed accordingly.4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of  
Rule 80.5.5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival  
is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPHA on